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Attorney for Debtors

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
KIRKPATRICK, CARLTON RUSSELL
KIRKPATRICK, LEIGHA KRISTEEN
Debtors.

CASE NO.: BK-S 09-12769-LBR
IN CHAPTER 11 PROCEEDINGS

**NOTICE OF HEARING FOR
MOTION TO VALUE COLLATERAL**

Hearing Date: September 1, 2010
Hearing Time: 1:30 P.M.

NOTICE IS HEREBY GIVEN that the MOTION TO VALUE COLLATERAL, "CRAM DOWN" AND MODIFY RIGHTS OF AMERICAS SERVICING CO. (ACCT. ENDING IN 1193) PURSUANT TO 11 U.S.C. 506(A) was filed on August 2, 2010, by CHARLES T. WRIGHT, ESQ. The Motion seeks the following relief:

1. That AMERICAS SERVICING CO. (ACCT. ENDING IN 1193) mortgage is partially unsecured in the sum of \$78,824.00 on the Subject Property.
2. Bifurcate AMERICAS SERVICING CO. (ACCT. ENDING IN 1193) claim to a secured claim in the amount of \$175,000.00 and a contingent general unsecured claim in the amount of \$78,824.00, to receive payment pro rata with like unsecured creditors.
3. AMERICAS SERVICING CO. (ACCT. ENDING IN 1193) should also be stripped of its secured rights in the unsecured portion of the bifurcated claim under State Law since no maintainable security interest in the Subject Property exists therein.
4. Such other relief the Court finds appropriate.

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Any opposition must be filed pursuant to Local Rule 9014(d)(1).

NOTICE IS FURTHER GIVEN that if you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then you must file an opposition with the court, and serve a copy on the person making the Motion ***no later than 14 days*** after the date of this Notice. If the hearing date has been set on less than 14 days' notice, then the opposition must be filed and served ***no later than 5 business days*** before the hearing. The opposition must state your position, set forth all relevant facts and legal authority, and be supported by affidavits or declarations that conform to Local Rule 9014(c).

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* without formally calling the matter at the hearing.

NOTICE IS FURTHER GIVEN that the hearing on the said Motion will be held before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Third Floor, Bankruptcy Court Room No. 1, Las Vegas, Nevada 89101 on September 1, 2010, at the hour of 1:30 P.M.

DATED this 2nd day of August, 2010.

Respectfully submitted,

PIET & WRIGHT

By: /s/ Charles T. Wright
 CHARLES T. WRIGHT, ESQ.
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